

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 1:18-cr-02844-JCH-1

DOMINICK MILIA,

Defendant.

MEMORANDUM OPINION AND ORDER

This matter is before the Court on the Government's Unopposed Motion *in Limine* to Exclude Any Reference to Punishment or Sentencing (ECF No. 116). Having considered the motion, the positions of the parties, and the applicable law, the Court will grant the motion.

The Court has detailed the facts of this case before in prior written orders. Familiarity with the facts of the case is therefore presumed. Briefly stated, a state judge signed a warrant for Defendant's arrest after he allegedly absconded from probation. *See Memorandum Opinion and Order*, ECF No. 47, 1. A tipster apparently told officers the room number of a motel where Defendant was residing. When officers went to the motel room to execute the warrant, they allegedly spotted Defendant standing in the open doorway. Officers took Defendant into custody and allegedly found a gun in his possession, leading to a single-count superseding indictment against Defendant for being a felon in possession of a firearm and ammunition in violation of 18 U.S.C. § 922(g)(1). *Ibid*; Superseding Indictment, ECF No. 106.

In anticipation of trial of this case, the Government has moved for an order excluding all direct and indirect references to, or evidence of, the sentence that might be imposed if Defendant is convicted of the charged offense. Mot. at 1. The Government's motion states that "Counsel for

Defendant was contacted and indicated he is not opposed to the motion.” *Id.* at 4. Given the parties’ stipulation to the motion being granted and the Court’s review of binding authority on the issue, the Court grants the motion in its entirety. *See U.S. v. Greer*, 620 F.2d 1383, 1384 (10th Cir. 1980) (“the authorities are unequivocal in holding that presenting information to the jury about possible sentencing is prejudicial. Breach of this standard has often been grounds for reversal.”)

IT IS THEREFORE ORDERED that the Government’s Unopposed Motion *in Limine* to Exclude Any Reference to Punishment or Sentencing (**ECF No. 116**) is **GRANTED**.

IT IS SO ORDERED.



HONORABLE JUDITH C. HERRERA
Senior United States District Judge